

Notice of Allowability

Application No.

09/380,351

Examiner

Clark F. Dexter

Applicant(s)

EDDY ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on April 7, 2004.
2. ☒ The allowed claim(s) is/are 51 and 52.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☒ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Sisson on August 22, 2005.

2. The application has been amended as follows:

In the Claims

Claims 27-33, 38-47 and 50 have been canceled.

Claim 51, line 7, "metal" has been deleted, the comma "," has been changed to --for cutting metal, wherein--, and "which" has been deleted;
line 8, "support" has been deleted;
line 10, "to constrain" has been changed to --for constraining--;
line 11, --said constraining means-- has been inserted before "comprising";
line 15, "drive" has been changed to --driven--;
line 17, "surface" has been deleted;
line 20, "surface" has been deleted;
line 24, the semi-colon ";" has been changed to a comma --,--.

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Claim 52, line 8, "metal" has been deleted, the comma "," has been changed to --for cutting metal, wherein--, and "which" has been deleted;
line 9, "support" has been deleted;
line 11, "to constrain" has been changed to --for constraining--;
line 12, --said constraining means-- has been inserted before "comprising";
line 16, "drive" has been changed to --driven--;
line 18, "surface" has been deleted;
line 21, "surface" has been deleted;
line 25, the semi-colon ";" has been changed to a comma --,--.

In the Specification

Page 1, line 21, "First" has been changed to --Firstly".

Page 6, line 3, --is a-- has been inserted after "5".

Page 7, line 4, "to" has been changed to --two--.

The replacement paragraph for page 6, line 7-16, filed on July 21, 2003 has been replaced with the following paragraph:

-- Figure 1 illustrates a longitudinal cold separation device comprising support means in the form of a table 1, the table comprising a plurality of horizontal rollers 2, a pusher arm 4 which is driven by an electric motor [[35]], and a rack 3. The electric motor [[35]] drives a pinion [[37]] which engages with the rack 3 to move the pusher arm 4 back and forth along the table. The electric motor [[35]] suitably drives the pinion [[37]]

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through a gear box [[36]], all of which form a linear drive mechanism 35. The electric motor [[35]], gearbox [[36]], pinion [[37]] and rack 3 are not shown in detail, since these features are well known to those skilled in the art and are commonly available. The table 1 is provided with a plurality of alignment wheels 5. The alignment wheels 5 are mounted on a threaded spindle 6 so that when the handle 7 of a spindle 6 is turned, the alignment wheel 5 mounted thereon moves across the table.--.

In the Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In Figures 1 and 3, the added structure including numerals 35, 36, 37 and the specific structure related thereto will be removed and a box indicated by numeral 35 will be added as shown in the approved marked-up drawings included herewith.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Additional Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in combination with the prior art of record, do not teach or fairly suggest the claimed invention.

Remarks

5. The above changes, particularly those made to the claims, have been made for further clarification and are not intended to change the scope of the claimed invention. The changes to the drawings and to the replacement paragraph for the specification have been made to avoid new matter issues.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

The prior art of record, either taken alone or in combination, does not teach or fairly suggest the claimed invention. For example, the prior art of record does not teach or suggest the claimed combination of features including separate first, second and third spaced apart workpiece supports as claimed; a separation unit mounting a cutting means for cutting metal, ancillary under-supports as claimed, constraining means as claimed, the first workpiece support including an elongate conveyor table as claimed, the third workpiece support including a receiving table as claimed; and a feeder consisting of a pusher as claimed and a plurality of horizontally disposed driven rollers as claimed, wherein the second support is movable as claimed. For example, Muller, pn 4,452,118 at least lacks the following claimed features of the present invention including horizontally disposed rollers (2) on the first workpiece support (1), the width of the receiving table (18) being greater than the width of the second workpiece support (15), driven rollers (17) engageable with the underside of the workpiece, and the second support (15) being movable in a direction perpendicular to the claimed horizontal plane.

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Similarly, the prior art of record does not teach or fairly suggest the claimed method of claim 52.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
August 16, 2005

REPLACEMENT SHEET FOR
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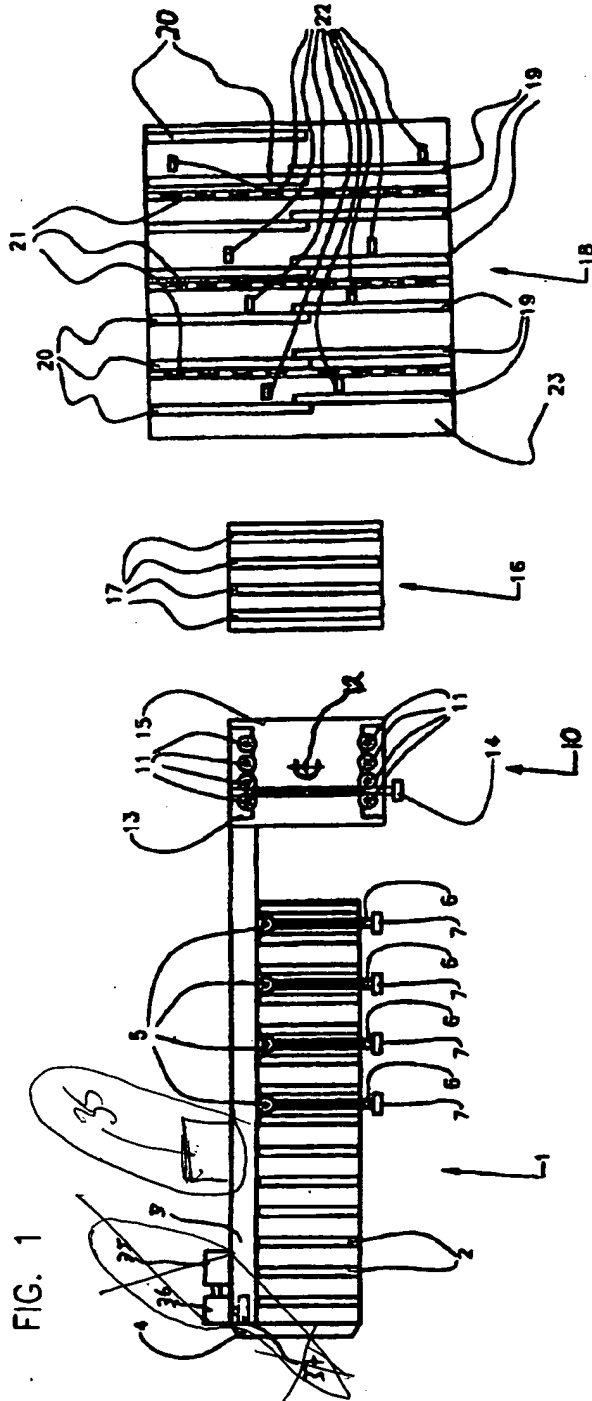


FIG. 1

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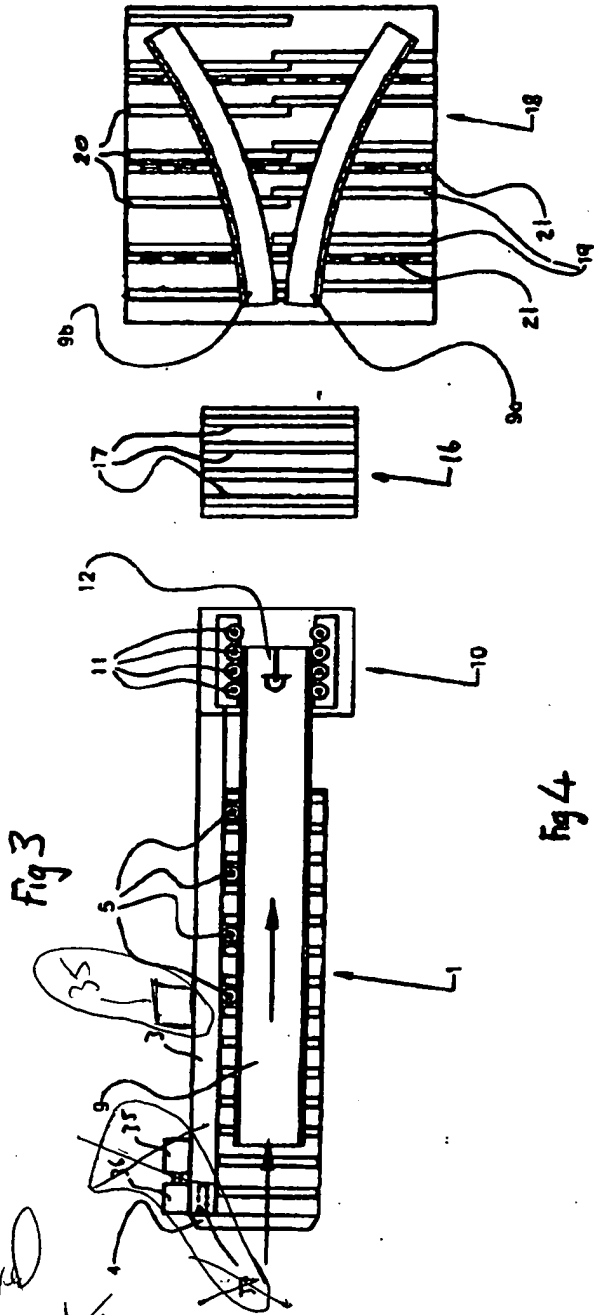
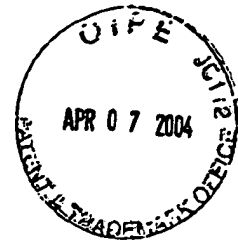
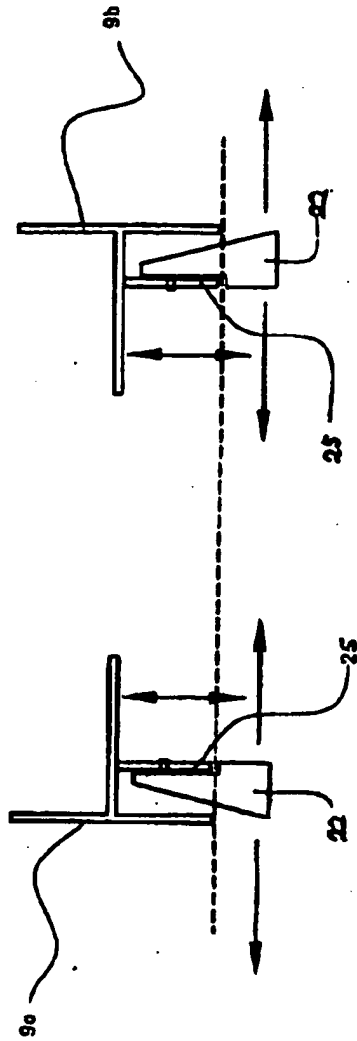


Fig 4



Approved
05/8/22/05